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10/069,489	07/02/2002	Masakazu Ichikawa	29A 3235	3221

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EXAMINER

GOODWIN, JEANNE M

ART UNIT PAPER NUMBER

2841

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,489

Applicant(s)

ICHIKAWA ET AL.

Examiner

Jeanne-Marguerite Goodwin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-17 is/are rejected.
- 7) ☐ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/21/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in the reply filed on Nov. 3, 2004 is acknowledged. Upon further consideration, it is of the opinion that the requirement for restriction is improper, therefore the restriction is withdrawn, wherein Group I and Group II have been rejoined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 2, the claim language "comprises power generating means" is confusing because it is not clear whether applicant is claiming the same or an additional power generating means as stated in claim 1.

b. In claim 3 and in claim 5, the claim language "comprises control means" is confusing because it is not clear whether applicant is claiming the same or an additional control means as stated in claim 1.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,327,225 to Okeya [hereinafter Okeya].

Regarding claim 1 (apparatus): Okeya discloses a power generating electronic timepiece which operates using a power supply device as an energy source, said power supply device comprising at least power generating means (40), said power generating electronic timepiece comprising a time measuring circuit (1) for measuring predetermined information (voltage) and outputting the resulting information; display means (Fig. 1) for displaying time information based on a signal output from the time measuring circuit (1); and control means (C) for controlling states of said power generating electronic timepiece such that when the amount of power generated by said power generating means (40) is detected to be at a first power generation level, the state is changed from first state before detection to a second state which is different from said first state, and when the amount of power generated by said power generating means (40) is detected to be at a second power generation level, the state is changed from said second state to said first state, said second power generation level being different from said first power generation level (col. 8, lines 7-63 and col. 9, lines 1-42).

Regarding claim 2 (apparatus) and claim 15 (method): Do to the unclear claim language of claim 2, Examiner is interpreting that the Applicant is claiming a single power generating means based upon the Applicant's disclosed figures. Okeya discloses a power

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generating electronic timepiece according to claim 1, wherein the power supply device comprises the power generating means (40) and electricity storage means (48) to which power generated by the power generating means (40) is charged. Furthermore, if Examiner's interpretation is improper, Okeya teaches that two or more types of power generation apparatus may be used (see col. 21, lines 16-31). With respect to claim 15, the method steps will be met during the normal operation of the apparatus stated above.

Regarding claim 3 (apparatus) and claim 16 (method): Do to the unclear claim language of claim 3, Examiner is interpreting that the Applicant is claiming a single control means based upon the Applicant's disclosed figures. Okeya discloses a power electronic timepiece according to claim 1, comprising the control means (C) for controlling states of said power generating electronic timepiece such that when the amount of power generated by said power generating means (40) is detected to be at a level lower than a first power generation level, the state is changed from said first state before detection to a second state which is different from the first state, and when the amount of power generated by the power generating means is detected to be at level higher than a second power generation level, the state is changed from the second state to the first state, and the second power generation level being higher than the first power generation level (see col. 8, lines 7-63 and col. 9, lines 1-42). With respect to claim 16, the method steps will be met during the normal operation of the apparatus stated above.

Regarding claim 4 (apparatus): Okeya discloses a power generating electronic timepiece according to claim 3, wherein when the amount of generated power of the power generating means (40) is at the first power generation level, it is determined that power is not being generated, and when the amount of generated power of the power generating means (40) is

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at the second power generation level, it is determined that power is generated (see col. 8, lines 7-63, in particularly lines 34-43 and col. 9, lines 1-42, in particularly lines 26-42).

Regarding claim 5 (apparatus) and claim 17 (method): Do to the unclear claim language of claim 3, Examiner is interpreting that the Applicant is claiming a single control means based upon the Applicant's disclosed figures. Okeya discloses a power electronic timepiece according to claim 3, comprising the control means (C) for controlling the state of the timepiece such that when it is detected that the amount of power generated by the power generating means (40) is transitioned from a level greater than a first power generation level less than the first power generation level, the state of the power generating electronic timepiece is switched from a first state to a second state which has smaller power consumption than the first state, and when it is detected that the amount of power generated is transitioned from a level less than the second power generation level, which is higher than the first power generating level, to a level greater than the second power generation level, the state of the power generating electronic timepiece is switched from the second operation state to the first operation state (display mode to the power-saving mode) ((see col. 8, lines 7-63 and col. 9, lines 1-42). With respect to claim 17, the method steps will be met during the normal operation of the apparatus stated above.

Regarding claim 6: Okeya discloses a power generating electronic timepiece according to claim 1, wherein as the first power generation level and the second power generation level, a detection value is inherently selected from among a plurality of detection values for respective power generating levels in order for the timepiece's normal mode and power-saving mode to operate efficiently.

Regarding claim 9: Okeya discloses a power generating electronic timepiece according to claim 1, wherein the control means (C) determines that power generation is detected when the second power generation level is repeatedly detected within a predetermined time period (col. 8, lines 7-63 and col. 9, lines 1-42).

Regarding claim 10: Okeya discloses a power generating electronic timepiece according to either claim 1 or claim 9, wherein the control means determines that power generation is detected when the second power generation level is repeatedly detected within a predetermined time period (col. 8, lines 7-63 and col. 9, lines 1-42).

Regarding claim 11: Okeya discloses a power generating electronic timepiece according to claim 1, wherein at least a portion of display operation of the display means is suspended in the second state (see col. 8, lines 34-42).

Regarding claim 12: Okeya discloses a power generating electronic timepiece according to claim 1, wherein a portion of operations of the time measuring circuit or of circuits (display circuit) other than the time measuring circuit is suspended in the second state (see col. 8, lines 34-42).

Regarding claim 13: Okeya discloses a power generating electronic timepiece according to claim 11 or claim 12, wherein at least a portion of the display means is comprised by an analog display mechanism (see Fig. 1).

Regarding claim 14: Okeya discloses a power generating electronic timepiece according to claim 1, wherein a member exhibiting power generation effect when exposed to light energy (solar battery) is used for the power generating means (see col. 21, line 20).

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Allowable Subject Matter

6. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US Patent 4,328,572 to Kawahara discloses a voltage control system for a timepiece; US Patent 4,428,040 to Yamashiro et al. discloses a low power consumption electric circuit for a timepiece; US Pub. 2004/0100870 & 2003/0174585 to Igarashi et al. and US Pub. 2001/0028606 to Fujisawa disclose and electronic watch having a power-saving operation means; and US Patent 6,278,663 to Okeya et al. discloses a power-saving mode and normal operations. Jn

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG
Dec. 9, 2005


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